

REMARKS

This amendment is submitted in response to the Office Action dated February 10, 2006. Reconsideration and allowance of the claims, as presently amended are respectfully requested. The claims in the application have been amended to correct the informalities cited by the Examiner and applicant earnestly submits that they are now ready for allowance.

The claims in the application are directed to an entry door security brace for impeding forced entry into a room through a door. The claimed invention differs in many important respects from the collapsible pipefitters stand described in U.S. Patent No. 3,313,505 to Petrie (Petrie '505) such that there can be no anticipation under 35 U.S.C. 102(b). First, claim 8 requires that each pole member include a foot member secured to the lower end of each pole. The pole members 15 of the Petrie '505 patent collapsible stand are bare and lacking in foot members. It is important for the security brace to have these foot members to prevent damage to the floor and to further impede entry by preventing the pole members from slipping on the floor when force is applied to the door in an attempt to open it.

Second, the Petrie '505 patent does not teach using a block member secured to the upper ends of the plurality of pole members. A block member is generally understood to be a solid piece of material in the form of a generally rectangular parallelepiped. The Petrie '505 patent does not teach such a block member under the ordinary understanding of that term. The first and second telescoping tube members (11, 24) and a handle 36 which rests on top of the second tube member 24 cannot be considered to be block-like as the Examiner must be contending.

The Petrie '505 patent does not teach a solid piece of material, rather, it combines three distinct pieces. One of ordinary skill in the art would not consider this a teaching of a block member. Moreover, said plurality of pole members are not secured directly to the handle 36. Rather, they are secured to a first tube member 11 and the handle member is secured to a second pole member 24 which slides telescopically in the first pole member 11. The plurality of pole members 15 are designed to support the first and second tube members 11, 24 in a vertical position. This renders the collapsible stand of Petrie unusable for impeding entry into the room because it is incapable of leaning against the door. If the collapsible stand of the Petrie '505 patent was tilted against the door, two of its legs would be lifted from the floor and once force

was applied to the door, the stand would tip back to a horizontal base, thus disengaging the head 35 from the door knobs' shaft and allowing the door to be freely opened.

Third, claim 8 requires that the yoke member of the present invention is required to be adapted to receive a shaft running between two doorknobs in a door. The saddle member 35 of the Petrie '505 patent is not adapted to receive such a shaft. As is made clear by the Petrie patent itself, the collapsible stand is to be used by a plumber or pipe fitter for temporarily supporting a pipe while he is working on it. See Petrie '505, column 1, lines 11-13. The saddle 35 is generally v-shaped for holding such a pipe P shown in phantom of Fig. 1. Again, if this yoke were used, it would not fit between the door and the knob so as to receive the typical shaft of a door. Again, because the purpose of the collapsible stand is for supporting a pipe while it is being worked on, it is important that the stand be able to maintain its vertical base, making it unusable for the stated purpose of impeding forced entry into a room through a door.

Similarly, the Petrie '505 patent does not teach all the elements of independent claim 14. Again, it does not teach a foot member, or a block member as discussed above relative to claim 8. More importantly, claim 14 requires that the yoke member include a yoke base and a head member wherein the head member slopes at a predetermined angle to the longitudinal axis of the yoke base. As shown in Fig. 2 of the Petrie '505 patent, the yoke member does not slope at a predetermined angle to the longitudinal axis of the yoke base, rather it is perfectly perpendicular to the yoke base. This further demonstrates that the Petrie patent is not well adapted for impeding forced entry into a room. Because there is no sloping of the yoke member, the collapsible stand could not be tipped to engage the door as the present invention can be tipped.

The Examiner also rejects claims 9, 11-13, 15 and 17-19 under 35 U.S.C. 103(a) in light of the teachings of the Petrie '505 patent and U.S. Patent No. 4,971,374 to Lovell (Lovell '374). The Lovell patent, while having a yoke that slopes at a predetermined angle and is adapted to receive the shaft of the knob, it is quite different from the present invention. First, the Lovell '374 patent does not teach a block member secured to the upper ends of a plurality of pole members. Instead, the Lovell '374 patent only teaches using a single pole member. As discussed in the discussion of the prior art, a stronger intruder can put a great deal of stress on a single bar to overcome the resistance provided by a brace having only one pole member. The present invention is an advance in the prior art in that it provides multiple pole members to better overcome the stress provided by the intruder. Thus, a combination of the Lovell '374 patent and

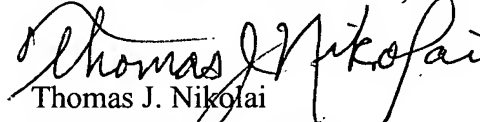
the Petrie '505 patent does not teach all the elements of either claim 8 or claim 14 and therefore those claims are patentable. The Examiner has only cited these references in relation to the dependent claims. Since the independent claims 8 and 14, as previously argued, are novel and non-obvious, the dependent claims are also allowable.

Finally, the Examiner rejects claims 10 and 16 under 35 U.S.C. 103(a) in light of the teachings of the Petrie '505 patent and U.S. Patent No. 2,330,105 to Barrows (Barrows '105). While the Barrows '105 patent does teach securing pole members to a block member by introducing the pole members into a circular aperture in the bottom surface of the block, as argued above, combining that teaching does not show having a single block member with a yoke, foot members, or a yoke adapted to receive the shaft of a doorknob.

By way of summary, then, independent claims 8 and 14, as well as dependent claims 9-13 and 15-18 in the application are in condition for allowance and a notice to that effect is respectfully solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Thomas J. Nikolai", is written over the printed name.

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